

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.Res. ____—Providing Expedited Procedures for the Remainder of the First Session of the 105th Congress

H.Res. 188—Urging the Executive Branch to Fight Missile Proliferation

H.R. 967—Free the Clergy Act

H.R. 2570—Forced Abortion Condemnation Act

H.R. 2386—United States-Taiwan Anti-Ballistic Missile Defense Cooperation Act

H.R. 2605—Communist China Subsidy Reduction Act

H.R. 2647—Monitoring Commercial Activities of the People's Liberation Army of China

H.R. 2232—Radio Free Asia Act

H.R. 2616—Charter Schools Amendment Act

H.Res. 301—Repealing the Exception to the Requirement that Public Committee Proceedings Be Open to All Media

Privileged Resolutions Regarding the Sanchez-Dornan Contested Election



H.Res. ____—Providing Expedited Procedures for the Remainder of the First Session of the 105th Congress

Floor Situation: The House will consider H.Res. ____ as its first order of business today. It is a privileged resolution, subject to one hour of debate. It may not be amended and no motion to recommit is allowed.

Summary: The resolution waives House rules requiring a two-thirds vote to consider a rule on the same day it is reported for general or continuing appropriations bills for FY 1998. It also allows the House to consider motions to suspend the rules on any day before November 10; the motion must be announced at least one hour before being offered and the Speaker or his designee must consult with

the minority leader or his designee. The rule stipulates that, during the remainder of the first session of the 105th Congress, the Speaker may not recognize any member other than the majority or minority leader who wishes to offer, or announce an intent to offer, a resolution as a question of privilege. Finally, the rule allows the Speaker to postpone consideration of any privileged resolution during the remainder of the session.



China Policy Legislation

Floor Situation: The House will consider the remaining seven bills (H.Res. 188, H.R. 967, H.R. 2570, H.R. 2386, H.R. 2605, H.R. 2647, and H.R. 2232) after it completes consideration of the expedited procedures rule. On Tuesday, the Rules Committee granted a rule providing for a modified closed amendment process for seven of the bills, and a closed amendment process for two of the bills. The rule self-executed (i.e., incorporated into the base text upon passage of the rule) a total of 11 amendments to certain bills (see below). The rule provides one hour of debate on each of the nine bills individually, divided equally between the chairman and ranking member of the bill's committee of jurisdiction. It also allows one motion to recommit, with or without instructions, for each bill. The rule waives all points of order against consideration of the bills as amended. It also makes in order one additional amendment by Mr. Gilman, to be debated for 30 minutes equally divided between a proponent and an opponent. The rule permits the Speaker to postpone the vote on Mr. Gilman's amendment, as well as any motion to recommit on each of the nine bills.

H.Res. 188—Fighting Missile Proliferation urges the executive branch to take action regarding Iran's acquisition of C-802 missiles. The China National Precision Machinery Import-Export Corporation transferred 60 C-802 cruise missiles to Iran, placing 15,000 U.S. troops stationed in the Persian Gulf within striking distance. Under the 1992 Gore-McCain Iran-Iraq Non-Proliferation, the president must sanction nations that transfer destabilizing numbers and types of advanced conventional weapons to these rogue nations. However, the current administration has declined to enforce this act against China. Therefore, the bill calls upon the administration to impose the necessary sanctions against the Chinese entities responsible for the transfer. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Gilman et al. and was reported by the International Relations Committee by voice vote on September 26, 1997. The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

H.R. 967—Free the Clergy Act prohibits the issuance of visas (except for the head of state and cabinet level ministers) and the use of American funds appropriated for the Department of State, the U.S. Information Agency, or the Agency for International Development to pay for the travel of officials of the People's Republic of China involved in government-created or approved churches, or for those who are involved in formulating or implementing policies to repress free worship. However, the bill provides a waiver to these restrictions if the president (1) determines that it is in the vital national interest, and (2) provides a written notification to the appropriate congressional committees containing a justification for the waiver. The federal agencies mentioned above shall also certify to the appropriate congressional committees, no later than 120 days after the date of enactment and every 90 days thereafter, that they did not pay directly or indirectly for travel expenses of these

individuals. Finally, H.R. 967 expresses the sense of Congress that religious freedom should be a major facet of the president's policy toward China. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Gilman et al. and was reported by the International Relations Committee by a vote of 22-18 on September 30, 1997. The Republican leadership supports passage of the measure. The Clinton Administration is strongly opposed to the bill.

H.R. 2570—Forced Abortion Condemnation Act denies visas to Chinese officials who carry out forced abortion or sterilization, and condemns those in the Chinese Communist Party and other Chinese nationals who oversee and enforce this process. Critics of the Chinese government's "one-child policy" argue that its population control methods of forced abortion and sterilization constitute grave implications for religious liberty and basic human rights. Proponents of the legislation point out the fact that U.S. funding for coercive family planning practices is already prohibited by several U.S. laws. A CBO estimate was unavailable at press time. The bill was introduced by Ms. Fowler et al. The Judiciary Committee waived its jurisdiction over the bill. The Republican leadership supports passage of the measure. The Clinton Administration is strongly opposed to the bill.

H.R. 2386—United States-Taiwan Missile Defense Cooperation Act implements the provisions of the 1979 Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation on developing and acquiring defensive military equipment to defend the territory. The bill requires the Secretary of Defense to conduct a study no later than July 1, 1998, on a plan for a missile defense system to protect the territory of Taiwan. Because the weapons for sale are purely defensive, supporters argue that they comport with the spirit of the Taiwan Relations Act. The bill also expresses the sense of Congress that it is in the national interest of the U.S. that Taiwan be included in missile defense cooperation with allied nations in the Asia-Pacific region. CBO estimates that enactment will cost less than \$500,000. The bill was introduced by Mr. Hunter et al. and was reported by the International Relations Committee by voice vote on September 30, 1997. The Republican leadership supports passage of the measure. The Clinton Administration opposes the bill.

H.R. 2605—Communist China Subsidy Reduction Act directs the president to instruct U.S. representatives to international institutions to vote against soft loans for the People's Republic of China. Since the Tiananmen Square incident, the United States and fellow Group of Seven (G-7) countries agreed to fund limited loans to China, provided that they were targeted to meet basic human needs, environmental protection, or economic policy reform. A CBO estimate was unavailable at press time. The bill was introduced by Mr. Solomon; the Banking & Financial Services Committee waived its jurisdiction on the bill. The Republican leadership supports passage of the measure. The Clinton Administration opposes the bill.

H.R. 2647—Monitoring Commercial Activities by the People's Liberation Army of China gives increased flexibility to the president to investigate, regulate, and prohibit activities of PLA-controlled companies in the U.S., and freeze their assets without first declaring a national emergency as required by the International Emergency Economic Powers Act (IEEPA). Under IEEPA, the president must first declare a national emergency before taking certain actions against entities deemed to be acting in a manner detrimental to U.S. national security. The bill also requires the Secretary of Defense, in consultation with the Attorney General and the directors of the CIA and the FBI, to maintain a current list of PLA-controlled companies that do business in the U.S., and to periodically make the list public. A CBO estimate was unavailable at press time. The bill was introduced by Ms.

Fowler et al; the International Relations Committee waived its jurisdiction on the bill. The Republican leadership supports passage of the measure. The Clinton Administration opposes the bill.

H.R. 2232—Radio Free Asia Act authorizes increased funding for Radio Free Asia and Voice of America broadcasting into China. The bill also states that no later than 90 days after enactment, the president, in consultation with the Board of Broadcasting Governors, must report to Congress on a plan to achieve continuous broadcasting to China in multiple dialects and languages. Radio Free Asia (RFA) currently broadcasts five hours a day in the Mandarin dialect and two hours a day in Tibetan, while the Voice of America (VOA) broadcasts 10 hours in Mandarin and three-and-a-half hours in Tibetan daily. An amendment to the State Department authorization bill authorized \$20 million in additional funding for the RFA and \$10 million for the VOA, along with \$10 million for the Broadcasting Board of Governors to finish construction of a transmitter on Tinian island. CBO estimates that enactment will increase discretionary spending by \$32 million in 1998 and \$81 million over the 1998-2002 period. The bill was introduced by Mr. Royce et al. and was reported by the International Relations Committee by voice vote on September 30, 1997. The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: As stated above, the rule self-executed the following amendments into the base text of the applicable bill:

- * two amendments to **H.Res. 188—(Fighting Missile Proliferation)** to (1) recommend that persons who are materially involved in the proliferation of nuclear or conventional weapons should not be issued visas for travel to the U.S., and (2) strengthen the resolution by broadening the scope to include the acquisition of long-range ballistic missiles which present an even greater threat, in addition to urging the executive branch to take action on the transfer of C-802 cruise missiles from China to Iran.
- * an amendment to **H.R. 2570—(Forced Abortion Condemnation Act)** which adds an exception to the restriction on issuance of visas for heads of state and cabinet level ministers, and grants a “national interest” presidential waiver for any other Chinese official. The amendment also prohibits the use of U.S. funds to pay for the expenses of Chinese officials to international conference programs and activities, and deny them of visas and exclude them from the U.S. if they are involved in forced abortion or sterilization practices.
- * two amendments to **H.R. 2386—(United States-Taiwan Missile Defense Cooperation Act)** to (1) clarify that the future status of Taiwan should be determined by peaceful and democratic means and clarify that no agreement currently exists between the PRC and Taiwan. The amendment also expresses that the U.S. must be willing to assist in the defense of Taiwan in case of threats or military attack by the PRC; and (2) make a technical modification clarifying the existing missile defense capabilities of Taiwan.
- * two amendments to **H.R. 2605—Communist China Subsidy Reduction Act** to (1) create a voluntary set of principles to promote good corporate citizenship by American companies operating in China, and give these companies preference for

participation in trade missions to China, and (2) allow U.S. government agencies to initiate or expand educational, cultural, scientific, military, legal, political, and artistic exchanges between the U.S. and China.

As stated above, the following amendment to H.R. 2358 was made in order by the rule:

Mr. Gilman and Mr. Markey may offer an amendment, debatable for 30 minutes, which makes two changes to the Agreement for Nuclear Cooperation between the U.S. and China (*P.L. 99-183*). First, it extends the period of time in which Congress must review the president's required certification from 30 legislative days to 120 legislative days. Second, the amendment inserts expedited procedures in the law to provide for a vote on a resolution disapproving the president's certification. The intent of the amendment is to ensure that Congress has adequate time to (1) review the president's certification; (2) hold hearings with the administration and outside witnesses; (3) judge China's record of compliance with its nonproliferation commitments—in particular its pledge to provide no new nuclear assistance to Iran; and (4) secure a House and Senate vote, if necessary, on disapproving the certification or requiring further modifications to the 1985 law. **Staff Contact: Walker Roberts (Gilman), x5-5021**

Additional Information: See *Legislative Digest*, Vol. XXVI, #31, October 31, 1997.



H.R. 2616—Charter Schools Amendment Act

Floor Situation: The House will continue consideration of amendments to H.R. 2616 after it completes consideration of the China policy bills. On Monday, the House completed general debate and began considering amendments under an open rule. The rule grants priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The Chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it takes place following a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2616 authorizes \$100 million for charter schools for FY 1998 and amends the Public Charter Schools Act (*P.L. 103-382*) to provide financial assistance to start new public charter schools, increase the total number of charter schools, and evaluate their success. The bill creates a tier by which charter school grants may be distributed based on certain criteria and prioritizes funding to schools that meet the most criteria. The bill also (1) includes charter schools as a possible recipient of funds for the flexible Title VI block grants to states to improve education; (2) reduces—from 10 percent to five percent of the annual appropriation—the amount that the Education Secretary can spend at the federal level; (3) requires the Education Secretary to guarantee that each charter school receives all federal funds that it is eligible for during the first calendar year that it is open, and (4) extends from three to five years the period during which charter schools may qualify for a federal grant. CBO estimates that enactment will result in total discretionary outlays of \$455 million over the next five years. The bill was introduced by Mr. Riggs and was ordered reported by the Education & the Workforce Committee by a vote of 24-8.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration supports the bill generally, but is concerned about increasing the period during which charter schools may qualify for federal grants. In addition, the administration has threatened to veto the bill if it includes the text of H.R. 2746.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2616:

Mr. Clyburn may offer an amendment to require states that apply for charter school funds to ensure that the population of a charter school reflects similar racial and gender composition as other public schools in the area. The member argues that charter schools are public schools and therefore should reflect the racial and gender composition of the community. Opponents argue that some charter schools are started to reach at-risk students and, therefore, are less likely to represent the composition of entire community. *Staff Contact: Lindy Birch, x5-3315*

Ms. Hooley may offer one of two amendments (#2 or #3) to maintain the current law definition of charter schools. The bill changes the definition to require a specific state law regarding charter schools and a written contract for the charter which is agreed upon by the school and the chartering agency. The member argues that under current law, the charter schools in the state of Oregon qualify for federal funds, but would not under the bill. Opponents of the amendment argue that a specific contract is essential to separate a charter school from a traditional school, as well as bind the school to measures of success. *Staff Contact: Grey Gardner, x6-8046*

Mr. Kingston may offer an amendment to change the name of the bill to “The Community Designed Charter Schools Act.” *Staff Contact: Adam Sullivan, x5-5831*

Mr. Martinez may offer an amendment to require charter applicants to specify how they will meet the needs of students with disabilities as required by the Individuals with Disabilities in Education Act (IDEA, P.L. 105-17). The member argues that several charter schools are not complying with the federal statute and requiring a written plan will promote compliance. Opponents argue that the charter schools already are required to comply with IDEA and that the amendment places a reporting requirement on charter schools that is not required by other public schools. *Staff Contact: Alex Nock, x6-2068*

Mr. Martinez may offer an amendment to maintain current law provisions which allow charter schools to receive federal grants for three years. The bill currently increases the time charter schools may qualify for federal grants to five years. The member argues that federal grants are intended only for start-up costs, but providing federal funding to charter schools for five years contributes to operating expenses. Opponents of the amendment argue that the first five years of a charter school are crucial and extending a school’s grant eligibility may make a difference in whether the school is successful or not. *Staff Contact: Alex Nock, x6-2068*

Mr. Martinez may offer an amendment to (1) place priority for national funds on evaluating charter schools and (2) expand the scope of the evaluation to include admission and staffing procedures. The Education Department is currently conducting a four-year evaluation of the impact of charter schools on student achievement. Under the bill, priority for national funds is placed on helping charter schools solicit private funds. *Staff Contact: Alex Nock, x6-2068*

Mr. Martinez may offer an amendment to require that charter schools receive federal funds (i.e., Title I and IDEA funding) in the same manner as other public schools. Assuming that the manager's amendment is adopted, the bill requires that charter schools receive all federal funds within the first five months of operation. In the past, several charter schools have not received all the federal funds they qualify for because the funds are based on the previous year's enrollment, so statistics are not available for the current year. The member argues that charter schools are public schools and should be subject to the same federal laws. Opponents argue that the number one reason charter schools fail is because they do not receive federal funds during the first year of operation, and that the amendment replaces one of the largest road blocks charter schools face. *Staff Contact: Alex Nock, x6-2068*

Mr. Pastor may offer an amendment to prohibit states from deducting their contribution to tribal schools based on payments from the Bureau of Indian Affairs. The provision is modeled after a provision of the Impact Aid Act which provides assistance to school districts that have a weak local tax base because of military bases and Indian reservations. *Staff Contact: Blake Gable, x5-4065*

Mr. Tierney may offer an amendment to strike provisions in the bill that place priority for funds to states that meet certain requirements. Under the bill, a states that meet three criteria: (1) state laws granting charter schools a high degree of financial autonomy, (2) state laws that allow for more charter schools each year; and (3) periodically reviewing charter schools to evaluate students' academic performance and the overall success of the school. The member argues that states should be allowed to set their own criteria for charter schools without risking federal funds. Opponents of the amendment argue that states with the most effective charter schools meet the three criteria and federal dollars should support the most successful programs. *Staff Contact: Laura Greer, x5-8020*

Mr. Traficant may offer an amendment (#1) to require that contracts granted to carry out the provisions in the bill comply with the Buy American Act. The amendment expresses the sense of Congress that contractors who receive funds under the bill should purchase only American-made products, and bars any person who has been convicted of fraudulently using a "Made in America" inscription, or any inscription with the same meaning, from receiving any contract or subcontract involving funds authorized by the bill. *Staff Contact: Dan Blair, x5-5261*

Mr. Weygand may offer an amendment (#4) to require the Education Secretary to provide funds to all states that meet the requirements to receive federal charter school funds. The member argues that several states that currently have charter school laws do not receive federal charter school grants. *Staff Contact: Chris Labonte, x5-2735*

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



H.Res. 301—Repealing the Exception to the Requirement that Public Committee Proceedings Be Open to All Media

Floor Situation: The House will consider H.Res. 301 after it completes consideration of H.R. 2616. The resolution is privileged, may not be amended, and is debatable for one hour.

Summary: The resolution repeals an exception to House rules which allows a witness testifying under subpoena to terminate radio, television, or still photography coverage of his or her testimony before a committee or subcommittee. Repealing the exception does not remove a number of other House rules which provide for witness protection; committee hearings and meetings may still be closed to media coverage by majority vote under certain circumstances (e.g., national security information, incriminating or defamatory testimony). The sponsors argue that it merely deletes an anomaly in House rules which was adopted long before recent efforts to open committee proceedings to the public through continuous broadcasting. The resolution was introduced by Mr. Solomon and was reported by the Rules Committee by a vote of 7-2.



Privileged Resolutions Regarding the Sanchez-Dornan Contested Election

Floor Situation: The House may consider seven privileged resolutions regarding the contested election in the 46th congressional district in California (Loretta Sanchez vs. Robert K. Dornan) sometime today. The resolutions are each debatable for one hour unless a member successfully moves to table the motions.

Summary: The identical resolutions—by Mrs. Lowey, Ms. Clayton, Ms. Brown, Ms. Stabenow, Ms. Kaptur, Ms. McCarthy, Ms. Millender-McDonald, Ms. Harman, and Ms. Bernice Johnson, respectively—each mandate that the contested election regarding the 46th congressional district in California be dismissed after November 7 unless the House Oversight Committee reports a final recommendation on the matter before that date. The resolutions were introduced on November 4, 1997.



Brian Fortune: *Editor*

S. Kevin Washington:
Senior Legislative Analyst

Melissa Decker, Jimmy Papadimitriou,
Becci Roberts, Kevin Smith:
Legislative Analysts

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